

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
CHARLESTON DIVISION**

IN RE: ETHICON, INC. PELVIC REPAIR  
SYSTEMS PRODUCTS LIABILITY  
LITIGATION

Master File No. 2:12-MD-02327  
MDL 2327

-----  
ETHICON WAVE 13 CASES LISTED IN  
EXHIBIT A TO PLAINTIFFS' NOTICE OF  
ADOPTION

JOSEPH R. GOODWIN U.S. DISTRICT  
JUDGE

**NOTICE OF ADOPTION OF PRIOR DAUBERT RESPONSE REGARDING JOHN R.  
WAGNER, M.D., FOR WAVE 13**

Plaintiffs have filed a Notice of Adoption [Dkt. 8961] in the Wave 13 cases identified in Exhibit A to their Notice, adopting their Wave 4 and Wave 6 Motions to Exclude the Expert Testimony of John R. Wagner M.D., Dkts. 3617, 3618, 3851, 4876, 4879, and 5044.

Defendants hereby adopt and incorporate by reference their Wave 6 *Daubert* response [Dkt. 4920] for Wave 13. For the reasons stated in Defendants' Wave 6 briefing [Dkt. 4920], Plaintiffs' motion should be denied.

Respectfully submitted,

s/ William M. Gage

William M. Gage (MS Bar No. 8691)  
Butler Snow LLP  
1020 Highland Colony Parkway  
Suite 1400 (39157)  
P.O. Box 6010  
Ridgeland, MS 39158-6010  
(601) 985-4561  
[william.gage@butlersnow.com](mailto:william.gage@butlersnow.com)

/s/ Susan M. Robinson

Susan M. Robinson (W. Va. Bar No. 5169)  
Thomas Combs & Spann PLLC  
300 Summers Street  
Suite 1380 (25301)  
P.O. Box 3824

Charleston, WV 24338  
(304) 414-1800  
[srobinson@tcspllc.com](mailto:srobinson@tcspllc.com)

COUNSEL FOR DEFENDANTS

**CERTIFICATE OF SERVICE**

I certify that on this date I electronically filed this document with the clerk of the court using the CM/ECF system, which will send notification of this filing to CM/ECF participants registered to receive service in this MDL.

*s/ William M. Gage*